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RQ-51

March 21, 1991

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Opinion Committee

Ms. Susan Garrison
Acting Chairman
Office of the Attorney General
Supreme Court Bldg., 5th Floor
Austin, Texas

RE: Attorney General's Opinion Letter

Dear Ms. Garrison:

As Chairman of the Senate Jurisprudence Committee, I would like to request an Attorney General's opinion letter regarding the pay scale for Justices of the Peace in Harris County. Currently, the Commissioner's Court, which determines the pay scales for the justices, bases its determination of pay level on the amount of cases filed with each court.

As a result, there appears to be an inequitable variation of pay levels between the J.P. courts. At this time, there seems to be three levels of pay for the various J.P.'s, with an earning differential of \$5,000 between each level. Therefore, between the top level and lowest level of the pay scale, there is almost a \$10,000 discrepancy. At the top level, the J.P.'s consist of mainly Republicans; at the lowest level of pay, the J.P.'s consist of mainly minorities. It is also noteworthy to mention that there is no definitive method of determining the caseload of each court as each precinct varies significantly from the other in terms of population, industry and size.

Therefore, please issue an opinion regarding the following issues:

1. Whether or not it is constitutional for the salary of a justice of the peace to be determined by the amount of cases filed within his or her court?

2. Whether or not it is constitutional to pay justices of the peace by precincts?

Your attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Gene Green', with a stylized, cursive script.

Gene Green

GG/vhd